

REMARKS

Status of the Claims

Claims 1-18 are pending in this application.

Claims 1-18 are rejected.

Claims 6 and 10 have been canceled, without prejudice.

Claims 1-3, 5, 7, 9 and 12-18 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

Rejection of Claim 1 Under 35 U.S.C. § 112

Claim 1 and all other claims which recite the term “component” have been rejected under 35 U.S.C § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action stated that “claim 1, lines 1, 2 and 3 are confusing and indefinite since the same term ‘component’ is used to define plastic, pre-form, and mold part...[a]dditionally, ‘component’ is used throughout the claims and is unclear as to which component is being referred.” Applicant respectfully submits that the Office Action's rejection of claim 1, and all claims reciting the term “component”, has been obviated by amendment. With respect to claim 1, line 1 the term “plastic component” has been amended to recite “plastic part.” Support in the specification for this amendment can be found in the first two lines of page 1 of the specification. In line 3 of claim 1 the term “pre-formed component” has been amended to recite “pre-formed material.” Support in the original specification for amending “pre-formed component” to “pre-formed material” can be found in the fourth full paragraph of page 8 that discusses applying the pre-formed component to the plastic component. This implies that the pre-formed component must be a material that is suitable for being

formed to the plastic component. Lastly, claim 1, line 3 recites in pertinent part “a first part of a mould having at least two components.” This portion of claim 1 has been amended to recite “a first part of a mould having at least two mould components” which now defines the components as recited in line 3 of 1 claim as being associated with the mould. Support for the term “two mould components” can be found in the specification in the last full paragraph of page 6 that indicates the mould components are labeled 15, 20 and 25; thus there are at least two mould components. Applicant now believes the rejection of claim 1 has been obviated by the amendments described above, therefore Applicant respectfully requests removal of the rejection of claim 1. Additionally claims 2, 3, 5, 7, 9 and 12-18 all contained the term “component” used in a manner similar to that in claim 1. Applicant has also amended these claims in a manner in accordance with the amendments made to claim 1. Therefore, Applicant now believes that all claims overcome the threshold of 35 U.S.C. § 112 second paragraph, by distinctly claiming the subject matter of the invention in a definite manner. Support for all amendments made can be found throughout the specification and drawings of the present application. Applicant does not believe any of these amendments add any new matter.

Rejection of Claims 1-18 Under 35 U.S.C. § 102(b)

Claims 1, 5, 9, and 12-18 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated European Patent Application 186015 to Masui et al. (hereinafter EP 015). The Office Action further pointed out that the sequence of these claims are disclosed on pages 7 and 8 and clearly defined as edges 8a and 8b. Applicant submits that the 35 U.S.C. § 102(b) rejection of claims 1, 5, 9 and 12-18 has been overcome by amendments made to the claims.

With respect to claim 1 Applicant has amended the claim to recite in pertinent part “an undercut recess formed in one of said at least two mould components.” With regard to independent claims 5, 9 and 18 Applicant has amended each claim to include a third intermediate mould part that has a surface that defines “...an undercut recess that locates adjacent the opening of said first mould part when said intermediate mould part is closed against said first mould part...” “With regard to claims 12, 14 and 16 Applicant has amended each claim to recite in pertinent part “...wherein said first half of said two part mould has an undercut recess.” Lastly with regard to independent claim 17 Applicant has amended each claim to recite in pertinent part “...a third part of said mould that has a surface defining...an undercut recess that locates adjacent said cavity of said first part when said third part is closed against said first part of said mould...”

All of the above described amendments add to their respective independent claims the feature of an undercut recess. EP 015 fails to disclose this element. The drawings of EP 015 show an outer side surface 8 of the male mould 2 and an inner side surface 9 of the female mould 3. Nowhere in the specification or in the drawings is an undercut recess disclosed. Furthermore, the specification and drawings of EP 015 provide no suggestion or motivation to employ an undercut recess on the surfaces of either the male or female moulds. Such a modification would require extensive modifications to the mould surfaces of EP 015. Therefore, in addition to failing to anticipate each of the above claims, it would also not be obvious to one of ordinary skill in the art to modify EP 015 to include the feature of an undercut recess.

With regard to the rejection of claims 13 and 15, Applicant wishes to point out that these claims are dependent upon independent claims 12 and 14 respectively. It is submitted that the above amendments to claims 12 and 14 render them allowable. Since the underlying claims 12 and 14 are now believed to be in condition for allowance, the

claims dependant therefrom are likewise allowable. Applicant respectfully requests removal of the rejections to dependent claims 13 and 15.

Claims 1-18 were also rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Pat. No. 5,238,640 issued to Masui et al. (hereinafter the '640 patent). The Office action indicated that the '640 patent discloses the method including the peripheral edge curved inwardly toward the center and trimming the edge flush with the plastic material on the internal surface of the perform. Claims 1, 5, 9, 12, 14 and 16-18 are independent claims and the remaining claims are dependent upon these independent claims. As indicated above all of the independent claims have been amended to include the feature of the mould surface having an undercut recess. Therefore, in order for claims 1-18 to be rejected under 35 U.S.C. § 102(b) the '640 patent must disclose the feature of an undercut recess.

Applicant submits that the '640 patent does not disclose an undercut recess feature, but rather is directed to forming a molded part having a layer member that is bent for lapping the end portions using a female mold and flanges that press against a male mold having a slidable frame to form or shape the part. '640 patent Col. 2, line 51-56. There is nothing in the '640 patent that discloses having an undercut recess formed in the surface of the mold. Furthermore, in addition to failing to anticipate the present invention, it would not be obvious to one having ordinary skill in the art to alter the mold surfaces of the '640 patent to have an undercut recess without extensively modifying the design of the mold disclosed in the '640 patent. The reason is that the '640 patent uses lapping to aid in smoothing out the edges of the mold member. Col. 2, Lines 51-16. Lapping of the outer layer material teaches away from the present invention since it would be impossible to achieve if an undercut recess were to be formed on the mold surface.

Since the rejection of independent claims 1, 5, 9, 12, 14 and 16-18 have been overcome by the above remarks, Applicant respectfully requests removal of the 35 U.S.C. § 102(b) rejection of each of these independent claims. Additionally claims 2-4, 6-8, 10-11, 13 and 15 are each dependent from claims 1, 5, 9, 12 and 14 respectively. It is submitted that the above amendments to claims 1, 5, 9, 12 and 14 render them allowable. Since the underlying claims 1, 5, 9, 12 and 14 are now believed to be in condition for allowance then the claims dependant there from are likewise allowable. Applicant respectfully requests removal of the rejections to dependent claims 2-4, 6-8, 10-11, 13 and 15.

CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks claims 1-18, as amended, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, disclose or render obvious the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

WARN, HOFFMANN, MILLER & LALONE P.C.
Attorneys for Applicant(s)

By: 

Philip R. Warn
Reg. No. 32775

P.O. Box 70098
Rochester Hills, MI 48307
(248) 364-4300

Dated: June 18, 2004

PRW:GLO:cah

Please note that the name of our firm has changed to "Warn, Hoffman, Miller & LaLone, P.C.," although our address, telephone number and facsimile numbers remain the same. Please update your records accordingly.